

MAR 14 1985

Ref: 8MM-C

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gary Broetzman, Director
Water Quality Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220

Re: Notice of Violation
Permit Number CO-0000248
AMAX, Inc.
Pursuant to 33 U.S.C. 1319(a)(1)

Dear Mr. Broetzman:

You are hereby informed, in accordance with the provisions of the referenced statute, that the U.S. Environmental Protection Agency has established that a violation of the permit issued to the above-referenced facility has occurred (NPDES Permit Number CO-0000248) as set forth in the attached Summary of Violation. It is requested that your office inform this agency of the follow-up and/or enforcement action taken to ensure compliance with the applicable terms and conditions of the referenced permit within thirty (30) days of your receipt of this NOV.

A copy of the Notice has been sent to the permittee. If you have any questions, please contact Tony Medrano at 293-1589.

Sincerely yours,

ORIGINAL SIGNED BY
MAX H. DODSON

Max H. Dodson, Director
Water Management Division

Enclosure

cc: Ms. Melinda Kassen
Asst. Attorney General

Mr. John T. Richards
AMAX, Inc.

bcc: Les Sprenger (8ES-F0)
Peter Bahor (EN-336)
TMEDRANO/ws/1679P

8MM-C
Godwin
3/14/85

Shuler
3/14/85

#223

SUMMARY OF VIOLATION
CO-0000248

AMAX, Inc., did supply EPA and the Colorado Department of Health notification of a planned "non-snowmelt" bypass. Notification was given by letter dated February 21, 1985. The subject NPDES Permit specifies at Part II A.2.c(2); "If the Permittee knows in advance of the need for a bypass, it shall submit notice, if possible at least ten days before the date of the bypass, to the Division and the Environmental Protection Agency (EPA). The bypass shall be subject to Division approval, and limitations imposed by the Division and EPA."

On March 6, 1985, various representatives of AMAX, Inc. and staff of the CDH and EPA met to discuss the discharge which began on March 4, 1985.

Authorization of this bypass was not given by the Water Quality Control Division - Colorado Department of Health, therefore, commencement of the discharge without such authorization constitutes a violation of the Permit.

MAR 14 1985

Ref: 8M-C

Mr. John T. Richards
Water Resources Manager
Climax Molybdenum Company
AMAX, Inc.
Climax, Colorado 80429

Re: Permit Number CO-0000248

Dear Mr. Richards:

The failure to secure authorization for the "non-snowmelt" bypass from the Water Quality Control Division - Colorado Department of Health has resulted in AMAX, Inc. being in violation of its NPDES Permit. Under the conditions of Section 309(a)(1) of the Clean Water Act, the United States Environmental Protection Agency must notify the State office responsible for administering and enforcing the NPDES program and the subject permittee of such findings.

Enclosed for your information is a copy of the Notice of Violation that we issued to the State of Colorado, which has been delegated the administration and enforcement of the NPDES program. Therefore, please submit any comments that you may have regarding the Notice to the Water Quality Control Division, Colorado Department of Health, with a copy to this agency.

If you have any questions, please contact Mr. Tony Medrano of my staff at 293-1589.

Sincerely yours,

ORIGINAL SIGNED BY
MAX H. DODSON

Max H. Dodson,
Director
Water Management Division

Enclosure

cc: Ms. Melinda Kassen
Assistant Attorney General

Mr. Gary Broetzman
Colorado Department of Health

bcc: Les Sprenger (8ES-F0)
Peter Bahor (EN-336)
TMEDRANO/ws/1679P

8CM-C
62001
3/19/85

#274

NOV CLOSE-OUT FORM

NAME OF PERMITTEE: Amax - Climax

PERMIT NUMBER: CO-248

DATE NOV ISSUED: 2-19-85 for Pb via during 12-7-84 CS1

Based on my review of the attached information from the state and/or follow-up action by the EPA, I have concluded that the appropriate follow-up action has been completed and that the attached information should be filed and no longer included in our monthly mailing to the state.

JUSTIFICATIONS: Amax - Climax by a letter dated 3-4-85 contested EPA's analytical result for Pb. Lab did not perform appropriate analytical method for Pb analysis since they were unaware of how tight Pb limit is. Lab now notified that limit is .008 mg/l (we got result of .033; Amax's split was <.001) therefore, EPA resampled. Presently waiting for the inspection report. If any significant violations, another NOV will be considered.

INITIATOR: Barb Hanson
DATE: 5/24/85

CONCURRENCE:

Initial date

N/A N/A

is initiator
N/A N/A

OM 5/28/85

JTS 5/28/85

Environmental Protection Assistant (If not initiator and NOV related to compliance schedule violations.)

Environmental Protection Specialist (If not initiator and NOV related to effluent violations.)

State Program Manager

Compliance Assurance Section Chief

Compliance Assurance Secretary (see below)

File Clerk - Please attach this information to the previously filed NOV referenced on the top of this form and file entire package in the appropriate NPDES file.

Compliance Assurance Section Secretary - Please transfer originals of : (a) NOV Close-out Form and (b) NOV Summary Sheet from "Active" section of NOV logbook to file clerk. Log and file copy of the NOV Close-out Form in the "Inactive" section of the logbook.